

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARIEL INVESTMENTS, LLC)
Plaintiff/Counter-Defendant,)
v.) Case No. 15-cv-3717
ARIEL CAPITAL ADVISORS LLC) Judge: Hon. Matthew F. Kennelly
Defendant/Counter-Plaintiff.)

Emergency Motion to Reconsider

Defendant Ariel Capital Advisors LLC (“ACA”) respectfully requests that the Court reconsider its denial of ACA’s Motion to Stay as moot because there is still an appeal pending in this matter as *Ariel Investments, LLC v. Ariel Capital Advisors LLC*, Case No. 17-1516. In summary, two appeals were filed, one was dismissed (No. 17-1504), the other appeal is still pending (No. 17-1516).

On March 3, 2017, this Court entered its Findings of Fact and Conclusions of Law. (Dkt. 192.) On March 8, 2017, ACA filed a Motion to Stay Permanent Injunction Pending Appeal, (Dkt. 194), and a Notice of Appeal. (Dkt. 196.) This became *Ariel Investments, LLC v. Ariel Capital Advisors LLC*, Case No. 17-1504. On March 9, 2017, this Court entered its Judgment.¹ (Dkt. 199.) Out of an abundance of caution, ACA filed an Amended Notice of Appeal. (Dkt. 203.) This became *Ariel Investments, LLC v. Ariel Capital Advisors LLC*, Case No. 17-1516. On March 10, 2017, the Seventh Circuit requested that ACA dismiss its first appeal, Case No. 17-1504, as unnecessary and duplicative. *Ariel Investments, LLC v. Ariel Capital Advisors LLC*, Case No. 17-1504, Dkt. 2. On March 16, 2017, ACA filed a Motion to Voluntarily Dismiss Case **No. 17-1504**, and on March 17, 2017, the Seventh Circuit granted ACA’s Motion to Dismiss and

¹ As Ordered by the Court, ACA complied with and added a disclaimer to its website. (See Dkt. 199.)

sent the judgment to this Court. *Ariel Investments, LLC v. Ariel Capital Advisors LLC*, Case No. 17-1504, Dkts. 3, 4. This Court then denied the Motion to Stay as moot. (Dkt. 213.) However, ACA's Appeal captioned 17-1516 is still pending in the Seventh Circuit, and for the reasons stated in its Motion to Stay, ACA respectfully requests that this Court stay the permanent injunction pending resolution of Case No. 17-1516.

Dated: March 18, 2017

By /s/ Brian T. Noack

Adam Wolek
Brian T. Noack
Wolek & Noack
333 S. Wabash Ave.
Suite 2700
Chicago, IL 60604
P: 312.860.9006
F: 708.843.0509
adamw@wonoip.com
briann@wonoip.com

Local Counsel for Plaintiff Ariel Capital Advisors LLC

Christopher P. Bray
Christopher P. Bray Associates
9115 Corsea Del Fontana Way, Ste. 200
Naples, FL 34109
P: 239.651.6008
F: 239.431.3914
Lead Counsel for Plaintiff Ariel Capital Advisors LLC

CERTIFICATE OF SERVICE

The undersigned certifies that, on March 18, 2017, he caused this document to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of filing to counsel of record for each party.

Date: March 18, 2017

By:/s/ Brian T. Noack
Brian T. Noack